IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 275 OF 2006

Nandkishore Koluram Dundhane ...Applicant.

V/s

The State of Maharashtra
(At the instance of Sr. P.I.
Haveli Police Station
Dist. Pune) ...Respondent.

Mr. K.S. Patil for the applicant.

Ms. S.V. Gajre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 20TH FEBRUARY, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with an offence which is punishable under sections 302, 143, 147, 148, 149, 504, 506 of the Indian Penal Code at Haveli Police Station. The applicant was released on bail by the Trial Court and some conditions were imposed in the said order directing the applicant to remain present in the trial court. However, the applicant did not attend the trial court on 4/8/2005 and, therefore, a non-bailable warrant was issued

against the applicant and he was arrested pursuant to the execution of the non-bailable warrant on 23/9/2005. He had filed an application for bail in the Court of Sessions. However, his application was rejected.

3. The learned Counsel for the applicant has submitted that the applicant had remained absent in the month of August, 2005 since he was suffering from viral hepatitis. He was, therefore, not in a position to attend the Court on 4/8/2005. The learned Counsel submits that the applicant has a fixed place of residence and that he had never misused the bail which was granted by the Trial Court and he had no intention of jumping the bail which was granted by the trial court. The learned APP was directed to verify the permanent address which is given by the applicant through the Investigating Officer. The learned APP submits that the Investigating Officer has verified the address which is given by the applicant in the cause title of the application as his permanent address. The applicant had remained absent on 4/8/2005. However, the explanation given by him for remaining absent on the said date, according to me, is a plausible explanation and, therefore, the applicant is entitled to be released on bail.

4. In the result, the applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to the Haveli Police Station, Pune once in a month and he shall attend the trial court as and when the matter is kept for hearing.

5. Application is accordingly disposed of.

V.M. KANADE, J.